



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

FINAL AMENDED
FACT SHEET FOR H.B. 2503

psychologists; licensure compact

Purpose

Establishes the Psychologists Interjurisdictional Compact (Compact).

Background

Established by Laws 1965, Chapter 102 the Board of Psychologist Examiners (Board) regulates the professional practice of psychology through licensure, rule adoption, prescribing forms, investigating charges of unprofessional conduct and administering discipline.

In February 2015 the Association of State and Provincial Psychology Boards released model language to facilitate the practice of telepsychology and temporary in-person psychology across jurisdictions, referred to as the Psychology Interjurisdictional Compact (Compact). This Compact would allow psychologists residing in Compact States to extend their practice either in-person on a temporary basis, or through telepsychology to clients/patients in other Compact States without going through the full licensure process for every state in which they wish to practice. The Compact would be administered by the Psychological Interjurisdictional Compact Commission (Commission), which would have the authority to promulgate rules for Compact implementation and administration, and rules adopted would have force of law in Compact states. In addition to rulemaking to govern the Compact, the Commission would also be responsible for developing and maintaining a Coordinated Licensure Information System containing licensure and disciplinary action information on all licensees of Compact States.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Purpose (Article 1)

1. Outlines the following principles with which the Compact is designed to achieve its purposes and objectives:
 - a) whereas states license psychologists in order to protect the public through verification of education, training and experience and to ensure accountability for professional practice;
 - b) whereas the Compact is intended to regulate the day-to-day practice of telepsychology, which is the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;

- c) whereas the Compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;
 - d) whereas the Compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state;
 - e) whereas the Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety.
 - f) whereas the Compact does not apply when a psychologist is licensed in both the home and receiving states; and
 - g) whereas the Compact does not apply to permanent in-person, face-to-face practice, but it does allow for authorization of temporary psychological practice.
2. States the Compact is designed to achieve the following purposes and objectives:
- a) increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state where the psychologist is not licensed to practice psychology;
 - b) enhance the states' ability to protect the public's health and safety, especially client/patient safety;
 - c) encourage the cooperation of Compact states in the areas of psychology licensure and regulation;
 - d) facilitate the exchange of information between Compact states regarding psychologist licensure, adverse actions and disciplinary history;
 - e) promote compliance with the laws governing psychological practice in each Compact state; and
 - f) invest all Compact states with the authority to hold licensed psychologists accountable through the mutual recognition of Compact state licenses.

Definitions (Article 2)

- 3. Defines *adverse action* as any action that is taken by a state psychology regulatory authority that finds a violation of a statute or regulation, that is identified by the state psychology regulatory authority as discipline and that is a matter of public record.
- 4. Defines *Association of State and Provincial Psychology Boards* or *ASPB* as the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the U.S. and Canada.
- 5. Defines *authority to practice interjurisdictional telepsychology* as a licensed psychologist's authority to practice telepsychology, within the limits authorized under the Compact, in another Compact state.
- 6. Defines *bylaws* as those bylaws established by the Commission for its governance or for directing and controlling its actions and conduct.

7. Defines *client/patient* as the recipient of psychological services, whether psychological services are delivered in the context of health care, corporate, supervision or consulting services.
8. Defines *Commissioner* as the voting representative appointed by each state psychological regulatory authority pursuant to the Compact.
9. Defines *Compact state* as a state, the District of Columbia or a U.S. territory that has enacted the Compact legislation and that has not withdrawn or been terminated.
10. Defines *confidentiality* as the principle that data or information is not made available or disclosed to unauthorized persons or processes.
11. Defines *Coordinated Licensure Information System* or *coordinated database* as an integrated process for collecting, storing and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws that is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities.
12. Defines *day* as a part of a day in which psychological work is performed.
13. Defines *distant state* as the Compact state where a psychologist is physically present, not through the use of telecommunications technologies, to provide temporary in-person, face-to-face psychological services.
14. Defines *E.Passport* as a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.
15. Defines *Executive Board* as a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.
16. Defines *home state* as a Compact state where a psychologist is licensed to practice psychology, if the psychologist is licensed in more than one Compact state and ~~it~~ is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the Compact state where the psychologist is physically present when the telepsychological services are delivered, and states if the psychologist is licensed in more than one Compact state and is practicing under the temporary authorization to practice, the home state is any Compact state where the psychologist is licensed.
17. Defines *identity history summary* as a summary of information retained by the Federal Bureau of Investigation (FBI) or another designee with similar authority in connecting with arrests and in some instances, federal employment, naturalization or military service.

18. Defines *in-person, face-to-face* as interactions in which the psychologist and the client/patient are in the same physical space and does not include interactions that may occur through the use of telecommunication technologies.
19. Defines *Interjurisdictional Practice Certificate* or *IPC* as a certificate issued by the ASPPB that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily, and verification of one's qualifications for such practice.
20. Defines *license* as authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization.
21. Defines *non-Compact state* as any state that is not at the time a Compact state.
22. Defines *psychologist* as an individual who is licensed for the independent practice of psychology.
23. Defines *Psychology Interjurisdictional Compact Commission* or *Commission* as the national administration of which all Compact states are members.
24. Defines *receiving state* as a Compact state where the client/patient is physically located when the telepsychological services are delivered.
25. Defines *rule* as a written statement by the Commission promulgated pursuant to the Compact that is of general applicability, that implements, interprets or prescribes a policy or provision of the Compact or an organizational, procedural or practice requirement of the Commission and that has the force and effect of statutory law in a Compact state, and includes the amendment, repeal or suspension of an existing rule.
26. Defines *significant investigatory information* as either of the following:
 - a) investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than a minor infraction; or
 - b) investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified or had an opportunity to respond.
27. Defines *state* as a state, commonwealth, territory or possession of the U.S. or the District of Columbia.
28. Defines *state psychology regulatory authority* as the board, office or other agency with the legislative mandate to license and regulate the practice of psychology.
29. Defines *telepsychology* as the provision of psychological services using telecommunication technologies.

30. Defines *temporary authorization to practice* as a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under the Compact, in another Compact state.
31. Defines *temporary in-person/face-to-face practice* to mean that a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for 30 days within a calendar year, based on notification to the distant state.

Home State Licensure (Article 3)

32. Requires a home state be a Compact state where a psychologist is licensed to practice psychology.
33. Allows a psychologist to hold one or more Compact state licenses at a time, and states if the psychologist is licensed in more than one Compact state, the home state is the Compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of the Compact.
34. Allows any Compact state to require a psychologist who has not been previously licensed in a Compact state to obtain and retain a license to be authorized to practice in the Compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of the Compact.
35. Allows any Compact state to require a psychologist to obtain and retain a license to be authorized to practice in a Compact state under circumstances not authorized by temporary authorization to practice under the terms of the Compact.
36. States a home state's license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the Compact state:
- a) currently requires the psychologist to hold an active E.Passport;
 - b) has a mechanism in place for receiving and investigating complaints about licensed individuals;
 - c) notifies the Commission, in compliance with the terms in the Compact, of any adverse action or significant investigatory information regarding a licensed individual;
 - d) requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the FBI or another designee with similar authority, no later than 10 years after activation of the Compact; and
 - e) complies with the bylaws and rules of the Commission.
37. States a home state's license grants temporary authorization to practice to a psychologist in a distant state only if the Compact state:
- a) currently requires the psychologist to hold an active IPC;
 - b) has a mechanism in place for receiving and investigating complaints about licensed individuals;

- c) notifies the Commission, in compliance with the terms in this Compact, of any adverse action or significant investigatory information regarding a licensed individual;
- d) requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the FBI or another designee with similar authority, no later than 10 years after activation of the Compact; and
- e) complies with the bylaws and rules of the Commission.

Compact Privilege to Practice Telepsychology (Article 4)

38. Requires Compact states to recognize the right of a psychologist who is licensed in a Compact state to practice telepsychology in other Compact states, or receiving states, in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the Compact.
39. Requires a psychologist licensed to practice in a Compact state, in order to exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of the Compact, to meet all of the following requirements:
- a) hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
 - i. regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees; or
 - ii. a foreign college or university deemed to be equivalent by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services or by a recognized foreign credential evaluation services; and
 - b) hold a graduate degree in psychology that meets the following criteria:
 - i. the program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program and specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;
 - ii. the psychology program must stand as a recognizable, coherent, organizational entity within the institution;
 - iii. there must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
 - iv. the program must consist of an integrated, organized sequence of study;
 - v. there must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
 - vi. the designated director of the program must be a psychologist and a member of the core faculty;
 - vii. the program must have an identifiable body of students who are matriculated in that program for a degree;
 - viii. the program must include supervised practicum, internship or field training appropriate to the practice of psychology;
 - ix. the curriculum shall encompass a minimum of three academic years of full-time graduate study for master's degrees; and
 - x. the program includes an acceptable residency as defined by the rules of the Commission.

- c) possess a current, full and unrestricted license to practice psychology in a home state that is a Compact state;
 - d) have no history of adverse action that violates the rules of the Commission;
 - e) have no criminal record history reported on an identity history summary that violates the rules of the Commission;
 - f) possess a current, active E.Passport;
 - g) provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology, criminal background and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and
 - h) meet other criteria as defined by the rules of the Commission.
40. States the home state maintains authority over the license of the psychologist practicing into a receiving state under the authority to practice telepsychology.
41. Subjects a psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology to the receiving state's scope of practice.
42. Allows a receiving state to, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state's applicable law to protect the health and safety of the receiving state's citizens.
43. Requires a receiving state, if the receiving state takes action, to promptly notify the home state and the Commission.
44. States if a psychologist's license in any home state or another Compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport is required to be revoked and the psychologist is ineligible to practice telepsychology in a Compact state under the authority to practice interjurisdictional telepsychology.

Compact Temporary Authorization to Practice (Article 5)

45. Requires Compact states to recognize the right of a psychologist who is licensed in a Compact state to practice temporarily in other Compact states, or distant states, in which the psychologist is not licensed, as provided in the Compact.
46. Requires a psychologist licensed to practice in a Compact state to meet the following requirements in order to exercise the temporary authorization to practice under the terms and provisions of the Compact:
- a) hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
 - i. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

- ii. A foreign college or university deemed to be equivalent by a foreign credential evaluation service that is a member of the national association of credential evaluation services or by a recognized foreign credential evaluation service; and
 - b) hold a graduate degree in psychology that meets the following criteria:
 - i. the program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to education and train professional psychologists;
 - ii. the psychology program must stand as a recognizable, coherent, organizational entity within the institution;
 - iii. there must be clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
 - iv. the program must consist of an integrated, organized sequence of study;
 - v. there must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
 - vi. the designated director of the program must be a psychologist and a member of the core faculty;
 - vii. the program must have an identifiable body of students who are matriculated in that program for a degree;
 - viii. the program must include supervised practicum, internship or field training appropriate to the practice of psychology;
 - ix. the curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degrees; and
 - x. the program includes an acceptable residency as defined by Commission rules.
 - c) possess a current, full and unrestricted license to practice psychology in a home state that is a Compact state;
 - d) have no history of adverse action that violates the rules of the Commission;
 - e) have no criminal record history that violates the rules of the Commission;
 - f) possess a current, active IPC;
 - g) provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and
 - h) meet other criteria as defined by Commission rules.
- 47. Requires a psychologist practicing into a distant state under the temporary authorization to practice within the scope of practice authorized by the distant state.
- 48. States a psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law, and allows a distant state to, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and to take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens.
- 49. Requires a distant state, if such action is taken, to promptly notify the home state and the Commission.

50. States if a psychologist's license in any home state or another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and the psychologist is not eligible to practice in a compact state under the temporary authorization to practice.

Conditions of Telepsychology Practice in a Receiving State (Article 6)

51. Allows a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in Commission rules, and under the following circumstances:
- a) the psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state; and
 - b) other conditions regarding telepsychology as determined by rules promulgated by the Commission.

Adverse Actions (Article 7)

52. Requires a home state to have the power to impose adverse action against a psychologist's license issued by the home state, and requires a distant state to have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.
53. Allows a receiving state to take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state, and allows a home state to take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.
54. States if a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked as follows:
- a) all home state disciplinary orders that impose adverse action shall be reported to the commission in accordance with the rules promulgated by the Commission. A Compact state shall report adverse actions in accordance with Commission rules;
 - b) in the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with Commission rules; and
 - c) other actions may be imposed as determined by the Commission rules.
55. Requires a home state's psychology regulatory authority to investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee that occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

56. Requires a distant state's psychology regulatory authority to investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization practice which occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, the distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.
57. States that nothing in this Compact shall override a Compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the Compact state's law.
58. Requires Compact states to require psychologists who enter into alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology to provide temporary psychological services under the temporary authorization to practice in any other Compact state during the term of the alternative program.
59. Prohibits any other judicial or administrative remedies from being available to a psychologist in the event a Compact state imposes an adverse action against the psychologist's authority to practice interjurisdictional telepsychology.

***Additional Authorities Invested in a Compact State's Psychology Regulatory Authority
(Article 8)***

60. Requires a Compact state's psychology regulatory authority, in addition to any other powers granted under state law, to have the authority under this Compact to:
 - a) issue subpoenas for both hearing and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact state's psychology regulatory authority for the attendance and testimony of witnesses or the production of evidence from another Compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority is required to pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located; and
 - b) issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology and/or temporary authorization to practice.
61. Prohibits a psychologist from changing the psychologist's home state licensure during the course of any investigation.
62. Authorizes a home state psychology regulatory authority to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority is required to promptly report the conclusions of such investigations to the Commission.

63. Allows a psychologist to change the psychologist's home state licensure once an investigation has been completed and pending the outcome of said investigation. The Commission is required to notify the new home state of any such decisions as provided in Commission rules.
64. Requires all information provided to the Commission or distributed by Compact states pursuant to the psychologist to be confidential, filed under seal and used for investigatory or disciplinary matters.
65. Allows the Commission to create additional rules for mandated or discretionary sharing of information by Compact states.

Coordinated Licensure Information System (Article 9)

66. Requires the Commission to provide for the development and maintenance of a coordinated database and reporting system containing licensure and disciplinary action information on all psychologists or individuals to whom this Compact is applicable in all Compact states as defined by Commission rules.
67. Requires a Compact state, notwithstanding any other provision of state law to the contrary, to submit a uniform data set to the coordinated database on all licensees as required by Commission rules, including:
 - a) identifying information;
 - b) licensure data;
 - c) significant investigatory information;
 - d) adverse actions against a psychologist's license;
 - e) an indicator that a psychologist's authority to practice interjurisdictional telepsychology and/or temporary authorization to practice is revoked;
 - f) non-confidential information related to alternative program participation information;
 - g) any denial of application for licensure and the reasons for such denial; and
 - h) other information that may facilitate the administration of this Compact, as determined by Commission rules.
68. Requires the coordinated database administrator to promptly notify all Compact state of any adverse action taken against, or significant investigative information on, any licensee in a Compact state.
69. Allows Compact state reporting information to the coordinated database to designate information that may not be shared with the public without the express permission of the Compact state reporting the information.
70. Requires any information submitted to the coordinated database that is subsequently required to be expunged by the law of the Compact state reporting the information to be removed from the coordinated database.

Establishment of the Psychology Interjurisdictional Compact Commission (Article 10)

71. States the Compact states hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission (Commission) as follows:
 - a) the Commission is a body politic and an instrumentality of the Compact states;
 - b) venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings;
 - c) nothing in this Compact shall be construed to be a waiver of sovereign immunity.
72. Establishes Commission membership as follows:
 - a) one voting representative appointed by each Compact state who shall serve as that state's commissioner; and
 - b) if appointed, one delegate for the state psychology regulatory authority. The delegate is required to be empowered to act on behalf of the Compact state and is limited to:
 - i. the executive director or executive secretary or similar executive;
 - ii. a current member of the state psychology regulatory authority of a Compact state; or
 - iii. a designee empowered with the appropriate delegate authority to act on behalf of the Compact state.
73. Allows any commissioner to be removed or suspended from office as provided by the law of the state from which the commissioner is appointed, and requires any vacancy occurring in the Commission be filled in accordance with the laws in the Compact state in which the vacancy exists.
74. Entitles each Commissioner to one vote with regard to the promulgation of rules and creation of bylaws, and requires each Commissioner to otherwise have an opportunity to participate in the business and affairs of the Commission.
75. Requires a Commissioner to vote in person or by such other means as provided in the bylaws, and allows the bylaws to provide for Commissioners' participation in meetings by telephone or other means of communication.
76. Requires the Commission to meet at least once during each calendar year, and requires additional meetings to be held as set forth in the bylaws.
77. Requires all meetings to be open to the public, and requires public notice of meetings to be given in the same manner as required under the rulemaking provisions in this Compact.
78. Allows the Commission to convene in a closed, non-public meeting if the Commission must discuss:
 - a) noncompliance of a Compact state with its obligations under the Compact;
 - b) the employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

- c) current, threatened or reasonably anticipated litigation against the Commission;
 - d) the negotiation of contracts for the purchase or sale of goods, services or real estate;
 - e) an accusation against any person of a crime or formally censuring any person;
 - f) the disclosure of trade secrets or commercial or financial information that is privileged or confidential;
 - g) the disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - h) the disclosure of investigatory records compiled for law enforcement purposes;
 - i) the disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or another committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or
 - j) matters specifically exempted from disclosure by federal and state statute.
79. Requires the Commission's legal counsel or designee, if a meeting or portion of a meeting is closed to discuss one of the aforementioned items, to certify that the meeting may be closed and to reference each relevant exempting provision consistent with Arizona's open meeting laws.
80. Requires the Commission to keep minutes that fully and clearly describe all matters discussed in a meeting and to provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the view expressed. All documents considered in connection with an action are required to be identified in the minutes.
81. Requires all minutes and documents of a closed meeting to remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.
82. Requires the Commission, by majority vote of the commissioners, to prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this Compact, including:
- a) establishing the fiscal year of the Commission;
 - b) providing reasonable standards and procedures for the establishment and meetings of other committees and for governing any general or specific delegation of any authority or function of the Commission;
 - c) providing reasonable procedures for calling and conducting Commission meetings, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part, and as soon as practicable, the Commission is required to make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed;
 - d) establishing the titles, duties and authority and reasonable procedures for the election of Commission officers;

- e) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil services or other similar law of any Compact state, the bylaws shall exclusively govern the personnel policies and programs of the Commission;
- f) promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees;
- g) providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact and after the payment and/or reserving of all of its debts and obligations;
- h) publishing its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact states;
- i) maintaining its financial records in accordance with the bylaws; and
- j) meeting and taking such actions as are consistent with the provisions of the Compact and its bylaws.

83. Requires the Commission to have the following powers:

- a) to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rule shall have the force and effect of law and shall be binding in all Compact states;
- b) to bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;
- c) to purchase and maintain insurance and bonds;
- d) to borrow, accept or contract for services of personnel, including employees of a Compact state;
- e) to hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other personnel matters;
- f) to accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same, provided that at all times the Commission shall strive to avoid any appearance of impropriety or conflict of interest;
- g) to lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed, provided that at all times the Commission shall strive to avoid any appearance of impropriety;
- h) to sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;
- i) to establish a budget and make expenditures;
- j) to borrow money;
- k) to appoint committees, including advisory committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;
- l) to provide and receive information from, and to cooperate with, law enforcement agencies;
- m) to adopt and use an official seal; and

- n) to perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.
84. Requires the elected officers to serve as the executive board, which shall have the power to act on behalf of the Commission according to the terms of the Compact as follows:
- a) the executive board shall be composed of five voting members who are elected by the Commission from the Commission's current membership and one ex-officio, non-voting member from the recognized membership organization composed of state and provincial psychology regulatory authorities;
 - b) the ex-officio member must have served as staff with or a member on a state psychology regulatory authority and will be selected by its respective organization;
 - c) the Commission may remove any member of the executive board as provided in the bylaws; and
 - d) the executive board shall meet at least annually.
85. Outlines the following duties and responsibilities of the executive board:
- a) recommend to the entire Commission changes to the rules or bylaws, changes to this Compact, fees paid by Compact states such as annual dues, and any other applicable fees;
 - b) ensure Compact administration services are appropriately provided, contractual or otherwise;
 - c) prepare and recommend the budget;
 - d) maintain financial records on behalf of the Commission;
 - e) monitor Compact compliance of member states and provide compliance reports to the Commission;
 - f) establish additional committees as necessary; and
 - g) other duties as provided in rules or bylaws.
86. Requires the Commission to pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.
87. Allows the Commission to accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.
88. Allows the Commission to levy on and collect an annual assessment from each Compact state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based on a formula to be determined by the Commission, which shall promulgate a rule binding on all Compact states.
89. Prohibits the Commission from incurring obligations of any kind prior to securing the funds adequate to meet the same and from pledging the credit of any of the Compact states, except by and with the authority of the Compact state.
90. Requires the Commission to keep accurate accounts of all receipts and disbursements, and requires the receipts and disbursements to be subject to:

- a) the audit and accounting procedures established under the Commission bylaws; and
- b) an annual audit by a certified or licensed public accountant, and requires the report of the audit be included in and become part of the Commission's annual report.

91. Immunizes the members, officers, executive director, employees and representatives of the Commission from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, except that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.
92. Requires the Commission to defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, except that nothing in this paragraph shall be construed to prohibit that person from retaining his or her own counsel, and provide further, that the alleged act, error or omission did not result from the person's intentional or willful or wanton misconduct.
93. Requires the Commission to indemnify and hold harmless any member, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from the intentional or willful wanton misconduct of that person.

Rulemaking (Article 11)

94. Requires the Commission to exercise its rulemaking powers pursuant to criteria and rules set forth by the Compact, and requires rules and amendments to become binding as of the date specified in each rule or amendment.
95. Requires a rule to have no further force and effect in any Compact state if a majority of the legislatures of the Compact states reject a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact.
96. Requires rules or amendments to the rules to be adopted at a regular or special meeting of the Commission.

97. Requires the Commission to file a notice of rulemaking prior to promulgation and adoption of a final rule or rules by the Commission at least 60 days before the meeting at which the rule will be considered and voted on, and requires the notice be:
- a) on the website of the Commission; and
 - b) on the website of each Compact state's psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.
98. Requires the notice of proposed rulemaking to include:
- a) the proposed time, date and location of the meeting in which the rule will be considered and voted on;
 - b) the text of the proposed rule or amendment and the reason for the proposed rule;
 - c) a request for comments on the proposed rule from any interested person; and
 - d) the manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.
99. Requires the Commission, prior to adoption of a proposed rule, to allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.
100. Requires the Commission to grant an opportunity for public hearing before it adopts a rule or amendment if a hearing is requested by:
- a) at least 25 persons who submit comments independently of each other;
 - b) a governmental subdivision or agency; or
 - c) a duly appointed person in an association that has at least 25 members.
101. Requires the Commission, if a hearing is held on the proposed rule or amendment, to publish the place, time and date of the scheduled public hearing, and states the following apply to a hearing:
- a) all persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing;
 - b) hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing;
 - c) no transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This paragraph does not preclude the Commission from making a transcript or recording of the hearing if it so chooses; and
 - d) nothing in this subsection shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this subsection.
102. Requires the Commission to consider all written and oral comments received following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held.

103. Requires the Commission, by majority vote of all members, to take final action on the proposed rule and to determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
104. Allows the Commission to proceed with promulgation of the proposed rule with no public hearing if no written notice of intent to attend the public hearing by interested parties is received.
105. Allows the Commission to consider and adopt an emergency rule without prior notice, opportunity for comment or hearing on determination that an emergency exists, provided that the usual rulemaking procedures provided in the Compact be retroactively applied to the rule as soon as reasonably practicable but not later than 90 days after the effective date of the rule.
106. States an emergency rule is one that must be adopted immediately in order to:
 - a) meet an imminent threat to public health, safety or welfare;
 - b) prevent a loss of Commission or Compact state funds;
 - c) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - d) protect public health and safety.
107. Allows the Commission or an authorized committee of the Commission to direct revisions to a previously adopted rule or amendment for the purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions is required to be posted on the Commission's website.
108. States the revision is subject to challenge by any person for a period of 30 days after posting, and allows a revision to be challenged only on grounds that the revision results in a material change to a rule.
109. Requires a challenge be made in writing and delivered to the chair of the Commission prior to the end of the notice period.
110. States if no challenge is made, the revision will take place with no further action, and if the revision is challenged, the revision may not take effect without the approval of the Commission.

Oversight, Dispute Resolution and Enforcement (Article 12)

111. Requires the executive, legislative and judicial branches of state government in each Compact state to enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent, and states the provisions of this Compact and the rules promulgated hereunder have standing as statutory law.
112. Requires all court to take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Compact state pertaining to the subject matter of this Compact that may affect the powers, responsibilities or actions of the Commission.

113. Entitles the Commission to receive service of process in any such proceeding and to have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission renders a judgment or order void as to the Commission, the Compact or promulgated rules.
114. Requires the Commission, if it is determined that a Compact state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, to:
 - a) provide written notice to the defaulting state and other Compact states of the nature of the default, the proposed means of remedying the default or any other action to be taken by the Commission; and
 - b) provide remedial training and specific technical assistance regarding the default.
115. States if a state in default fails to remedy the default, the defaulting state may be terminated from the Compact on an affirmative vote of a majority of the Compact states, and all rights, privileges and benefits conferred by this Compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
116. Requires termination of Compact membership be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate is required to be submitted by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the Compact states.
117. States a Compact state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.
118. Prohibits the Commission from bearing any costs incurred by the state that is found to be in default or that has been terminated from the Compact, unless agreed on in writing between the Commission and the defaulting state.
119. Allows the defaulting state to appeal the action of the Commission by petitioning the U.S. district court for the state of Georgia or the federal district court where the Compact has its principal offices. The prevailing member is required to be awarded all costs of such litigation, including reasonable attorney fees.
120. Requires the Commission, on request by a Compact state, to attempt to resolve disputes related to the Compact which arise among Compact states and between Compact and non-Compact states.
121. Requires the Commission to promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the Commission.
122. Requires the Commission, in the reasonable exercise of its discretion, to enforce the Compact provisions and rules.

123. Allows the Commission to, by majority vote, initiate legal action in the U.S. district court for the state of Georgia or the federal district where the Compact has its principal offices against a Compact state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages, and in the event judicial enforcement is necessary, the prevailing member is required to be awarded all costs of such litigation, including reasonable attorney fees.
124. States the remedies listed are not the exclusive remedies of the Commission, and allows the Commission to pursue any other remedies available under state or federal law.

Date of Implementation of the Psychology Interjurisdictional Compact Commission and Associated Rules, Withdrawal and Amendments (Article 13)

125. States the Compact takes effect when the Compact is enacted into law in the seventh Compact state, and limits the provisions that become effective at that time to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission is required to meet and exercise rulemaking powers necessary to the implementation and administration of this Compact.
126. States any state that joins the Compact after the Commission adopts the initial set of rules is subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.
127. Allows any Compact state to withdraw from the Compact by enacting a statute repealing the same, subject to the following:
- a) a Compact state's withdrawal shall not take effect until six months after enactment of the repealing statute; and
 - b) withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this Compact before the effective date of withdrawal.
128. States that nothing in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a Compact state and a non-Compact state that does not conflict with the provisions of this Compact.
129. Allows the Compact to be amended by the Compact states, and states no amendment to the Compact becomes effective and binding on any Compact state until it is enacted into the law of all Compact state.

Construction and Severability (Article 14)

130. Requires the Compact be liberally construed so as to effectuate the purposes thereof.
131. States the Compact remains in full force and effect as to the remaining Compact states if this Compact is held contrary to the constitution of any Compact state.

Miscellaneous

132. Prohibits an employer from requiring a psychologist to seek licensure through the Compact as a condition of initial or continued employment as a psychologist in this state; however, an employer may require that a psychologist obtain and maintain a license to practice psychology in multiple states if the psychologist is free to obtain and maintain the licenses by any means authorized by the laws of the respective states.
133. Requires the Board to post on its public website, within 30 days after a Commission action, notice of any Commission action that may affect a psychologist's license.
134. Becomes effective when the Compact is enacted into law in the seventh Compact state.

Amendments Adopted by Committee of the Whole

1. Prohibits an employer from requiring a psychologist to seek licensure through the Compact as a condition of initial or continued employment.
2. Outlines requirements of closed meetings of the Commission.
3. Requires certain information be posted on the Board's website notifying licensees of any Commission action that may affect a psychologist's license.

House Action

HEALTH	2/9/16	DPA	6-0-0
3 rd Read	2/29/16		59-0-1
Final Read	5/7/16		41-14-5

Senate Action

HHS	3/16/16	DP	5-2-0
3 rd Read	4/25/16		20-9-1

Signed by the Governor 5/17/16
Chapter 298

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